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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,816	05/26/2006	Timothy Flanery	MIC-82-PCT-US (P50-0108)	1769
34043	7590	09/26/2007	EXAMINER	
DORITY & MANNING, PA & MICHELIN NORTH AMERICA, INC			DAVIS, ROBERT B	
P O BOX 1449			ART UNIT	PAPER NUMBER
GREENVILLE, SC 29602-1449			1722	
			MAIL DATE	DELIVERY MODE
			09/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/550,816	Applicant(s) FLANERY, TIMOTHY	
	Examiner Robert B. Davis	Art Unit 1722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/19/06</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 20-24 have been renumbered 19-23, respectively. The original application did not include claim 19. Subsequent amendments should refer to claims 20-24 as 19-23.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Burner (3,225,453: figures 1-5; column 3, lines 16-29; column 8, lines 4-23 and column 9, line 72 to column 10, line 53).

Burner teaches a drying apparatus and method of drying rubber comprising: a variable die body defined by an adjustable opening between conical surface (72) and opposing surface (70) which are adjusted by ring gear (75) which is threadably attached to discharge sleeve (72). The hand wheel (82) allows for adjustment of the adjustable

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opening. The reference states that when the product is dry crumb rubber, the comments regarding slicing do not apply and that a variable orifice pelletizing die is employed at the discharge of the apparatus. The adjustable palletizing die is structurally the same as the filter screen of the present claims and the reference states that the adjustable die allows for controlling of flashing of retained vapor. It is clear that the palletizing die is attached to the discharge opening of an apparatus as illustrated in figure 3 and thus a cavity is present between the adjustable opening defined by conical surface (72) and opposing surface (70) and the palletizing die. The reference discusses controlling the backpressure by varying the distance between the conical surface (72) and the opposing surface (70) by ring gear (75).

4. Claims 1-4, 7, 8 and 19-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Speck et al (6,025,004: figure 6 and column 9, line 12 to column 10, line 44).

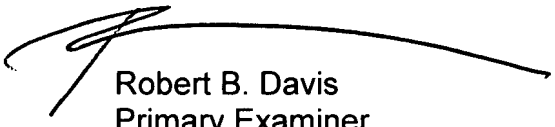
Speck et al teach an adjustable extrusion die assembly comprising: an extrusion die (35), a fixed core (167) and a movable component (165) wherein the conical surfaces (195 and 191) of the core and movable component create a back pressure controlling element. The movable component is threadably attached to the die head to allow adjustment of the backpressure. The reference states that the apparatus is used for extrusion of food material; however, the structure reads on the apparatus elements the intended use of the apparatus is not relevant to the decision regarding the apparatus claims, as the structure is capable of drying materials.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert B. Davis whose telephone number is 571-272-1129. The examiner can normally be reached on Monday-Friday 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Robert B. Davis
Primary Examiner
Art Unit 1722

9/21/07